

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD DECEMBER 3, 1996 AT 9:30 A.M. IN WARRENTON, VIRGINIA

P R E S E N T Mr. David C. Mangum, Chairman; Mr. James G. Brumfield, Vice Chairman; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

ADOPTION OF THE AGENDA

Mr. Burton requested that a revised resolution be considered for Item #16, A Resolution Endorsing a Proposal for Providing Wastewater Treatment to the New Baltimore, Catlett, Calverton and Midland Service Districts. Mr. Weeks said that he would like to have FY 1997 Supplemental Appropriations and A Resolution to Authorize the School Board to Expend FY 1996 Year-End School Division Carryover Funds removed from the Consent Agenda for discussion on the Regular Agenda. Mr. Weeks also requested the following point of order be ruled upon by the Parliamentarian and a decision be made. "The point of order that I raise is with the complete removal of Agenda Item #16 from the Agenda today. Agenda Item 16 is a resolution sponsored by Mr. Burton. And I have not seen, by the way, his amended version. The one that was published for the public to see finally and that I got to review over the weekend is, (1) that calls for the endorsement of a WSA proposal to provide a trunk-line from Remington to New Baltimore; (2) would have this Board endorse a WSA memorandum dated November 26, 1996, that in fact WSA has not even approved; and (3) it calls for the appropriation of \$55,000 to launch the first step in putting the pipe in the ground. In this resolution, and this is the most frightening part, it makes reference to a resolution allegedly passed by the Economic Development Authority, coincidentally also on November 26, 1996, and it is even authenticated by C. Hunton Tiffany the Chairman. That endorsement was for the WSA concept that this agenda item speaks to. In fact the EDA did not even hold a public meeting on that date and instead took a phone poll, a secret tactic I suspect is in violation of the Commonwealth's Freedom of Information Act. More specifically, I oppose this agenda item and wish it to be removed because its inclusion is in violation of Board of Supervisors' Bylaws, Section 5(1)(B) requiring submission of at least ten business days prior to the meeting of an agenda item. This one was placed in our books Thanksgiving Eve. It turned out to be Thanksgiving turkey; (2) the agenda item 16 is in further violation of our Bylaws in that Section 5(2) requires all related materials for agenda items to be provided to Supervisors and the County Attorney 48 hours in advance of the meeting. Less than 24 hours ago I received the highly suspect EDA resolution and the back-up materials from the WSA meeting. I have not had time to sufficiently delve into them and demand this be stricken from our agenda".

Mr. Mangum asked Mr. McCulla for a ruling on Mr. Weeks' point of order. Mr. McCulla explained the role of the Parliamentarian under Section 3(3) of the Board's Bylaws is to interpret the Bylaws and Roberts Rules. It was Mr. McCulla's opinion that it is not the Parliamentarian who rules on points of order but the Chairman of the Board. Under Section 4(8) of the Board's Bylaws the Chairman's rule is appealable to the full Board. It is Mr. McCulla's understanding that Mr. Weeks has raised two specific issues; first, is Agenda Item #16 in violation of Section 5(1)(B) of the Bylaws. Mr. McCulla stated that this Section of the Bylaws is honored by Board members and staff in the breach opposed to the rule for the most part. The Bylaws are clear on this point and a member has the right to raise the issue. The second issue refers to Section 5(2) of the Bylaws regarding the delivery of the agenda materials within 48 hours of the meeting.

The Board is aware that generally they receive material up to meeting time, however the Bylaws are what they say.

Mr. Mangum ruled that the Board has generally not followed the ten day rule regarding agenda items and that it should not be suddenly imposed for these issues, therefore, the resolution Mr. Burton requested to be added would be allowed.

Mr. Weeks appealed the Chairman's ruling. Mr. McCulla stated that the appeal was properly lodged because it does not require a second.

Mr. Mangum called for comments from the Board regarding the appeal. Mr. Green stated that he agreed with Mr. Weeks and thought the matter should be heard at the next regular meeting. Mr. Burton said that he felt this was a delay tactic and that it should move forward. He also said that items had been and would be in the future brought before the Board for consideration in lieu of the ten day rule.

Mr. Weeks asked permission to speak. He said, "I can appreciate Mr. Burton's position that he views this as a delay tactic. If it were not for over \$20,000,000 of local taxpayer money involved in this caper. If it were not for the fact that we have political bodies under the Commonwealth of Virginia conducting public business privately on telephones. If it were not for the fact that the public, indeed, has not been privy to the contents of this resolution. That it was published at the last moment of the last day before the holidays knowing full well nobody could respond. Then this Board is, in my view, abrogating its constitutional responsibilities. If it is not willing to uphold its own Bylaws, what other laws is it willing to uphold or not uphold. I request my appeal be upheld."

Mr. Mangum called for the question to overrule the Chairman's ruling of the appeal. The vote was 2 to 3 as follows:

Ayes: Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton;

Absent During Vote: None

Abstention: None

Mr. Brumfield then moved to adopt the agenda subject to adding A Resolution Endorsing a Proposal for Providing Wastewater Treatment to the New Baltimore, Catlett, Calverton and Midland Service Districts and moving FY 1997 Supplemental Appropriations and A Resolution to Authorize the School Board to Expend FY 1996 Year-End School Division Carryover Funds to the Regular Agenda for discussion. Mr. Green seconded.

Mr. Weeks moved to amend the motion to consider the Resolution Endorsing a Proposal for Providing Wastewater Treatment to the New Baltimore, Catlett, Calverton and Midland Service Districts immediately after the Consent Agenda. Mr. Green seconded, and the vote for the motion was 2 to 3 as follows:

Ayes: Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton;

Absent During Vote: None

Abstention: None

Mr. Burton then moved to adopt the agenda subject to adding A Resolution Endorsing a Proposal for Providing Wastewater Treatment to the New Baltimore, Catlett, Calverton and Midland Service District and moving FY 1997 Supplemental Appropriations and A Resolution to Authorize the School

Board to Expend FY 1996 Year-End School Division Carryover Funds to the Regular Agenda for discussion. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton;
Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

EMPLOYEE OF THE MONTH -- SANDRA J. JENNINGS

Mr. Green moved to adopt the following resolution. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton;
Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO RECOGNIZE SANDRA J. JENNINGS AS THE FAUQUIER
COUNTY EMPLOYEE OF THE MONTH FOR DECEMBER 1996

WHEREAS, the Fauquier County Board of Supervisors recognizes that the County's employees are its most valuable resource; and

WHEREAS, effective July 16, 1991, the Board of Supervisors approved the resolution to establish the Employee Awards Program; and

WHEREAS, the Board of Supervisors selects one employee from those nominated, based upon the merits of outstanding performance and productivity, positive job attitude and other noteworthy contributions to the County; and

WHEREAS, Sandra J. Jennings, Legal Assistant, was nominated for the Employee of the Month Award; and

WHEREAS, Sandra J. Jennings has single-handedly managed the work load of the County Attorney's Office with exemplary professionalism and honorable work ethics since June 1, 1994; and

WHEREAS, Sandra J. Jennings' expertise in preparing Court of Appeals documents has quickly and efficiently assisted the Deputy County Attorney for successful litigation; and

WHEREAS, Sandra J. Jennings' abilities to maintain a positive working relationship with the General District Court, Treasurer and Commissioner of Revenue, has enabled the Assistant County Attorney to file over 600 warrants in debt to collect delinquent personnel property taxes for Fauquier County; and

WHEREAS, Sandra J. Jennings has played an integral part in coordinating and processing the Frytown Environmental Hazard Remediation Project; and

WHEREAS, Sandra J. Jennings cheerfully and tirelessly has taken on additional duties requested by the County Administrator, Budget Officer and

members of the Board or Supervisors; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 3rd day of December 1996, That Sandra J. Jennings be, and is hereby, recognized as the Fauquier County Employee of the Month for December 1996; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors extends gratitude to Sandra J. Jennings for her outstanding performance and dedicated service; and be it

RESOLVED FINALLY, That Sandra J. Jennings is hereby entitled to all of the rights and privileges associated with this award.

Mr. Brumfield presented Mrs. Jennings with a copy of the resolution, a certificate, a paperweight, and \$100.00.

CITIZEN OF THE YEAR AWARD -- MARSHALL DISTRICT

Mr. Green presented the Marshall District Citizen of the Year Award to the late Steadman Hinckley. Mrs. Hinckley and members of the family were present to receive the award.

CITIZENS TIME

Kitty Smith spoke regarding the point of order raised earlier, in opposition to the proposed resolution to endorse waste water treatment to the New Baltimore, Catlett, Calverton and Midland service districts, and also submitted a list of questions about the WSA document regarding waste water treatment proposal.

W.H. Armstrong thanked Mr. Burton, Mr. Brumfield and Mr. Mangum for their support of the proposed resolution to endorse waste water treatment to the New Baltimore, Catlett, Calverton and Midland service districts.

Ann Pfifferling, representing Citizens for Fauquier County, thanked Mr. Weeks and Mr. Green for their statesmanship in opposing the proposed resolution to endorse waste water treatment to the New Baltimore, Catlett, Calverton and Midland service districts. She also stated that Citizens for Fauquier County supported the Comprehensive Plan but did not support using taxpayer money to pay for waste water projects.

Denise Williams submitted a petition of over 1,000 names in the New Baltimore area opposing the current Comprehensive Plan for the New Baltimore area.

Anne Marie Walsh presented a Gumdrop Square Topiary Tree to the Chairman. She also informed the Board that the Department of Historic Resources would be conducting a workshop in Warrenton on December 9.

Debby Reedy asked the Board to consider reassessing the Land Use Program and supported the proposed resolution to endorse waste water treatment to the New Baltimore, Catlett, Calverton and Midland service districts.

Katherine Hayes spoke in opposition to the proposed resolution to

endorse waste water treatment to the New Baltimore, Catlett, Calverton and Midland service districts.

Arrabelle Arrington spoke in favor of the proposed resolution to endorse waste water treatment to the New Baltimore, Catlett, Calverton and Midland service districts.

Mr. Mangum announced the close of Citizens Time since the allotted twenty minutes had elapsed. Mr. Weeks then moved to extend Citizens Time an additional twenty minutes. Mr. Green seconded.

During discussion, Mr. Weeks said, "Over a thousand people have spoken here today. Many have been denied the right to speak who have come to speak on issues that are critical to the future and preservation of this County as we know and love it. I say over a thousand because there were over a thousand names presented in the petition by Mrs. Williams from New Baltimore. It reminds me of the ever present question, '"Who speaks for New Baltimore? "'. I think that's been answered. I think the people here have expressed and continue to express their views. This Board has already violated its Bylaws once this morning, capriciously, and I wish that you would consider this motion to extend but twenty more minutes for these people who have come a long way and have prepared to speak so that they may do so. This Board has absolutely no place to go today. I know what its agenda is. We're going to lunch at twelve. We're going to have another work session on the jail at three. And so we're not in a hurry. Let's not act like this is a life or death situation, Mr. Chairman."

The vote for the motion was 2 to 3 as follows:

Ayes: Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton

Absent During Vote: None

Abstention: None

CONSENT AGENDA

Mr. Green moved to adopt the following Consent Agenda items. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton;

Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

Approval of the Minutes of the October 29, 1996 and November 21, 1996
Adjourned Meetings and the November 5, 1996 and November 19, 1996 Regular
Meetings

A Resolution Authorizing the Filing of Preapplication Requesting Federal
Funding Assistance for the Warrenton-Fauquier Airport Expansion Land
Acquisition

RESOLUTION

A RESOLUTION AUTHORIZING FILING OF PREAPPLICATION REQUESTING
FEDERAL FUNDING ASSISTANCE FOR THE WARRENTON-FAUQUIER
AIRPORT EXPANSION LAND ACQUISITION

WHEREAS, Fauquier County is in the process of acquiring real property located adjacent to the Warrenton-Fauquier Airport for purposes of expansion and improvements to the Airport; and

WHEREAS, at the request of Fauquier County, Campbell & Paris Engineers, P.C. (Airport consultant), has prepared Federal Aviation Administration Preapplication documents requesting Federal project funds to assist with Warrenton-Fauquier Airport land acquisition efforts; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 3rd day of December 1996, That authorization be, and is hereby, granted for submission of the Federal Preapplication documents requesting Federal assistance project funds for the Warrenton-Fauquier Airport expansion land acquisition; and, be it

RESOLVED FURTHER, That the Chairman of the Board of Supervisors be, and is hereby, authorized to sign on behalf of Fauquier County the said Federal Preapplication and other necessary documentation.

A Resolution to Extend the Northern Virginia Planning District Commission
Agreement for Provision of Professional and Technical Services

RESOLUTION

A RESOLUTION TO EXTEND THE NORTHERN VIRGINIA PLANNING
DISTRICT COMMISSION AGREEMENT FOR PROVISION
OF PROFESSIONAL AND TECHNICAL SERVICES

WHEREAS, the Fauquier County Board of Supervisors, in meeting assembled 17 August 1993, authorized the execution of an Agreement for Provision of Professional and Technical Planning Services ("Agreement"), dated September 7, 1993, between the County of Fauquier and the Northern Virginia Planning District Commission; and

WHEREAS, the Agreement for Provision of Professional and Technical Planning Services, as amended, expired 30 June 1996; and

WHEREAS, the Northern Virginia Planning District Commission has prepared a Letter of Extension amending the Agreement, first dated 7 September 1993, to extend the period of services and update the hourly rates of Northern Virginia Planning District Commission staff members; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 3rd day of December 1996, That the Fauquier County Administrator be, and is hereby, authorized to execute the Letter of Extension dated 29 October 1996 from the Northern Virginia Planning District Commission to the County of Fauquier which extends the period of services to 30 June 1997 and updates the hourly rates of the Northern Virginia Planning District Commission staff.

Authorization to Accept and Execute Virginia Department of Housing and Community Development Planning Grant Agreement for the Botha Model

Affordable Homeownership Project

RESOLUTION

A RESOLUTION TO AUTHORIZE ACCEPTANCE AND EXECUTION OF THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT PLANNING GRANT AGREEMENT FOR THE BOTHA MODEL AFFORDABLE HOUSING PROJECT

WHEREAS, in meeting assembled 5 March 1996, the Fauquier County Board of Supervisors authorized the County Administrator and other appropriate County staff to work with Fauquier Habitat for Humanity, Inc., Fauquier Housing Corporation, and the Rappahannock-Rapidan Planning District Commission to develop and submit to the Virginia Department of Housing and Community Development a Planning Grant application; and

WHEREAS, the Board of Supervisors authorized the Planning Grant application for the purpose of obtaining funds to assist in the development of affordable housing ownership opportunities for low/moderate income citizens at the Botha Model Affordable Homeownership project; and

WHEREAS, in response to the Planning Grant application, Fauquier County has been awarded a Community Development Block Grant Planning Grant in the amount of \$15,000 and the Virginia Department of Housing and Community Development has prepared an appropriate Planning Grant Agreement for acceptance and execution by Fauquier County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 3rd day of December 1996, That the Planning Grant Agreement dated 14 November 1996, between the Virginia Department of Housing and Community Development and the County of Fauquier, for grant funds not to exceed \$15,000 to be utilized for the Botha Model Affordable Homeownership Project be, and is hereby, accepted; and, be it

RESOLVED FURTHER, That the Fauquier County Administrator be, and is hereby, authorized to sign on behalf of Fauquier County the said Planning Grant Agreement and other necessary grant documentation.

Authorization for Comptroller/Office Manager Position in Sheriff's Office

RESOLUTION

Be It Resolved by the Fauquier County Board of Supervisors this 3rd day of December 1996, That a Comptroller/Office Manager position be, and is hereby, authorized for the Sheriff's Office effective 1 December 1996 in accordance with the position description prepared by David M. Griffith and Associates.

A RESOLUTION TO AUTHORIZE EQUITABLE HOLIDAY LEAVE FOR PERMANENT COUNTY GENERAL GOVERNMENT AND SCHOOL DIVISION EMPLOYEES

Mr. Brumfield moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was 4 to 1 as follows:

Ayes: Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.;

Mr. Larry L. Weeks
Nays: Mr. David C. Mangum
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO AUTHORIZE EQUITABLE HOLIDAY
LEAVE FOR PERMANENT COUNTY GENERAL GOVERNMENT
AND SCHOOL DIVISION EMPLOYEES

WHEREAS, effective July 1, 1995, the Fauquier County General Government and the Fauquier County Public School System consolidated certain services; and

WHEREAS, it is the shared intent of the School Board and the Board of Supervisors to create an equitable working environment between the County Government and the School Division; and

WHEREAS, County employees currently observe eleven legal holidays each calendar year, and Consolidated and School employees observe thirteen legal holidays each calendar year; and

WHEREAS, for customer service reasons, it is not appropriate for County employees to observe the School Division holiday schedule; and

WHEREAS, the Board of Supervisors recognizes that the County's employees are its most valuable resource; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 3rd day of December 1996, That permanent County employees be, and are hereby, granted two additional floating holidays each calendar year, effective January 1, 1997; and, be it

RESOLVED FURTHER, That County Department Heads will coordinate the additional days of holiday with their employees so that offices are adequately staffed and service to the public is not disrupted.

PARIS WELL CONDEMNATION

Mr. Green moved to adopt the following resolution. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton;
Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

A RESOLUTION AUTHORIZING THE TAKING OF PROPERTY

WHEREAS, the Paris water system is operating at a level of output which is unacceptable to the Virginia Department of Health; and

WHEREAS, certain improvements have been proposed to the Paris water system to increase the output of the system to a level acceptable to the Virginia Department of Health; and

WHEREAS, these improvements require the acquisition of easements across a portion of property owned by Phillip S. Thomas, and a well lot on property of Phillip S. Thomas, along with certain ingress and egress easements and temporary construction easements, all as shown on plats attached hereto as Exhibits "B" and "C", and

WHEREAS, the Fauquier County Board of Supervisors held a public hearing on May 21, 1996, to determine the public necessity of the improvements and the necessity of entering on and taking of land prior to and during condemnation proceedings; and

WHEREAS, the Fauquier County Board of Supervisors has determined that the improvements are required by the public necessity and that it is necessary to enter on and take the land prior to an agreement as to valuation; now, therefore, be it

RESOLVED, this 3rd day of December, 1996, by the Board of Supervisors of Fauquier County, that:

1. It is necessary to enter and take the hereinafter specified properties, rights-of-way and easements for the purpose of constructing, installing, expanding, maintaining or repairing a well, pipelines, and other appurtenances to the Paris water distribution system;

2. The property to be taken is as follows:

A portion of property owned by Phillip S. Thomas, identified in County tax records as PIN #6034-99-2775-000, consisting of (i) a 20' permanent utility easement for the purpose of constructing, installing, expanding, and maintaining an underground waterline and related underground electrical and telephonic lines and other underground appurtenances to the Paris water distribution system; (ii) a 20' temporary construction easement to be extinguished upon the completion of construction; and (iii) a fee simple well lot for the purpose of constructing, maintaining, repairing and replacing a well which currently exists on the property of Phillip S. Thomas, a 20'x 20' gravel parking turnaround area, and an ingress-egress easement to be improved by a gravel roadway of approximately 12' in width. The attached Exhibit "B" shows the property to be taken for the purposes outlined in (i) above, and the attached Exhibit "C" shows the property to be taken for the purposes outlined in (ii) and (iii) above.

3. The damages and compensation offered to the property owner is as follows:

Phillip S. Thomas:	Total compensation and damages
\$13,950.00	

4. It is necessary to enter upon and take such property prior to and during the condemnation proceedings.

5. The County Administrator, G. Robert Lee, shall, on the 19th day of December, 1996, notify the owners of such property by certified mail that the County intends to enter upon and take the same. The notice shall set forth the compensation and damages offered by the County.

6. The Board of Supervisors further authorizes the filing of Certificates of Take in the amount specified above in accordance with Section 15.1-239(E) and Sections 33.1-119 through 129 of the Code of Virginia.

FAUQUIER COUNTY CODE AMENDMENT -- CHAPTER 9 -- OPEN BURNING
ORDINANCE

Mr. Brumfield moved to table the decision on the Fauquier County Code amendment on Chapter 9, Open Burning, until the January 7, 1997 meeting. Mr. Green seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

REZONING REQUEST -- D & T ASSOCIATES

A public hearing was held at the November 19, 1996 meeting to consider a request from D&T Associates to remove conditions placed on the 2.03 acre parcel in 1987 which limit the use to parking and storage of new cars. The applicant is also seeking to remove a set of 1991 proffers pertaining to the operation of a farmer's market. The property is located on the south side of West Main Street (Route 55) just west of the intersection with Winchester Road (Business Route 17). The property is actually landlocked and is part of the Marshall Ford dealership, PIN #6969-68-6782-000, Marshall District. Mr. Green moved to adopt the following resolution. Mr. Brumfield seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

AN ORDINANCE TO APPROVE REZONING AMENDMENT REQUEST
#RZA 96-M-02, D & T ASSOCIATES PROPERTY (MARSHALL FORD)

WHEREAS, D & T Associates Limited Partnership is the owner of a 2 acre parcel identified by Parcel Identification Number 6969-68-6782-000; and

WHEREAS, D & T Associates Limited Partnership is seeking to amend previously approved rezoning conditions and proffers placed on the subject property; and

WHEREAS, this rezoning amendment request was filed in accordance with all of the provisions of Article 13-202 of the Fauquier County Zoning Ordinance; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on September 26, 1996, regarding this rezoning request and recommended approval on October 31, 1996; and

WHEREAS, the Board of Supervisors on November 19, 1996, held a public hearing on this rezoning amendment request; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning map; now, therefore, be it

ORDAINED, by the Fauquier County Board of Supervisors this 3rd day of December 1996, That Rezoning Request #RZA 96-M-02 to amend rezoning conditions imposed on March 17, 1987 and proffers dated July 10, 1991 for the subject property identified by Parcel Identification Number 6969-68-6782-000 be, and is hereby, approved subject to the applicant's proffer statement dated October 24, 1996 and the Rezoning Plat dated August 13, 1996 and prepared by James G. Butler, Jr. and Associates.

A RESOLUTON TO AUTHORIZE SICK LEAVE PAYOUT FOR PERMANENT
COUNTY GENERAL GOVERNMENT EMPLOYEES

Mr. Brumfield moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton;
Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO AUTHORIZE SICK LEAVE PAY-OUT FOR
PERMANENT COUNTY GENERAL GOVERNMENT EMPLOYEES

WHEREAS, effective July 1, 1995, the Fauquier County General Government and the Fauquier County Public School System consolidated certain services; and

WHEREAS, it is the shared intent of the School Board and the Board of Supervisors to create an equitable working environment between the County Government and the School Division; and

WHEREAS, the Sick Leave Pay-Out incentive program encourages employees to accumulate unused sick leave days; rewards long-term employees with exemplary attendance records; and serves as a hiring incentive for new employees; and

WHEREAS, upon separation of employment, employees will be paid for accumulated sick leave days on a sliding scale; and

WHEREAS, the sliding scale will increase the value of accumulated days as follows: 1-50 days at \$20 per day; 51-100 days at \$30 per day; 101-150 days at \$40 per day; and 151 days and above at \$50 per day; and

WHEREAS, the sliding scale is consistent with the approved School Board sick leave pay-out program; and

WHEREAS, the Board of Supervisors recognizes loyal and dedicated

County employees as its most valuable resource; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 3rd day of December 1996, That permanent County employees be, and are hereby, granted accumulated sick leave pay-out at the time of termination of employment from Fauquier County Government, effective January 1, 1997; and, be it

RESOLVED FURTHER, That County Department Heads will process Personnel Action Notification Forms to the Personnel Department upon termination of their employees.

A RESOLUTION TO ADOPT PROPOSALS FOR THE FAUQUIER COUNTY
1997 LEGISLATIVE PROGRAM -- ADDITIONAL LAND USE PLANNING
ISSUES, TELECOMMUNICATION ISSUES, AND SOVEREIGN IMMUNITY
ISSUES

Mr. Brumfield moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton;
Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO ADOPT ADDITIONAL PROPOSALS FOR
THE FAUQUIER COUNTY 1997 LEGISLATIVE PROGRAM

WHEREAS, the Board of Supervisors of Fauquier County adopted its 1997 Legislative Program on May 21, 1996; and

WHEREAS, the Board of Supervisors wishes to add certain proposals to its 1997 Legislative Program; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 3rd day of December 1996, That the following items be, and are hereby, added to the 1997 Legislative Program for Fauquier County for consideration by the 1997 General Assembly.

ADDITIONAL LAND USE PLANNING ISSUES:

Fauquier County supports legislation that would grant it proffer authority under Section 15.1-491(a) through (a) (3) of the Code of Virginia, 1950, as amended.

TELECOMMUNICATIONS ISSUES:

Fauquier County opposes any preemption or circumvention of local governments' historical control over land use decisions and opposes any attempt to eliminate governments' rights to charge, on a non-discriminatory basis, fair and reasonable compensation for public property.

Fauquier County supports legislation re-enacting or clarifying HB 2115 which passed in 1995 to allow taxation of Open Video Systems instead of obsolete video dialtone. Moreover, Fauquier County supports striking the language which exempts home broadcast satellite programming, and, therefore, allows the State to collect the tax and remit it to localities.

Fauquier County supports legislation which guarantees that the Virginia Department of Transportation coordinate with local governments in developing their policies for siting telecommunications carriers within local government boundaries should contacts with the Commonwealth Transportation Board communicating same be unsuccessful.

Fauquier County supports legislation clarifying that the E-911 tax can be applied to all cellular telephone service.

Fauquier County supports legislation clarifying that the existing distinctions between telephone, gas, water and electric service are preserved and that the current consumer utility taxes on these services continue to be applied and collected, regardless of how the service is to be delivered.

SOVEREIGN IMMUNITY ISSUES:

Fauquier County opposes any legislation which totally or partially vitiates the sovereign immunity presently and traditionally enjoyed by counties, cities, and towns.

Fauquier County opposes any attempt to bring counties, cities or towns under the Tort Claims Act.

and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, directed to forward a copy of this resolution to each of the legislators representing the citizens of Fauquier County in the General Assembly.

AUTHORIZATION TO PROCEED AND ADOPTION OF A CHARGE FOR THE FISCAL IMPACT MODELING ADVISORY COMMITTEE

Mr. Weeks moved to adopt a resolution of authorization to proceed and a charge for the Fiscal Impact Modeling Advisory Committee. Mr. Green seconded.

During discuss, Mr. Mangum felt that the Planning Commission and the preservation community should nominate their respective representative to the Committee instead of the Board of Supervisors dictating who they would appoint.

Mr. Mangum moved to amend the motion to show that two members of the Board of Supervisors, two members of the Planning Commission and a member of the preservation community be nominated for appointment to the Committee. Mr. Burton seconded. Mr. Brumfield abstained from the vote. The vote for the motion was 2 to 2, with one abstention as follows:

Ayes: Mr. David C. Mangum; Mr. Wilbur W. Burton
Nays: Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Absent During Vote: None
Abstention: Mr. James G. Brumfield;

Since a tie vote loses, Mr. Mangum called for a vote on the original motion made by Mr. Weeks to adopt a resolution of authorization to proceed and a charge for the Fiscal Impact Modeling Advisory Committee. Mr. Green seconded, and the vote for the motion was 2 to 3 as follows:

Ayes: Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton
Absent During Vote: None
Abstention: None

Mr. Brumfield then moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION OF AUTHORIZATION TO PROCEED AND ADOPTION OF CHARGE FOR FISCAL IMPACT MODELING ADVISORY COMMITTEE

WHEREAS, the Board of Supervisors has adopted a calendar year 1997 objective to develop a Fiscal Impact Model for Fauquier County; and

WHEREAS, the Board of Supervisors has tasked Scott District Supervisor Larry L. Weeks with primary responsibility for policy leadership in the development of the Fiscal Impact Model; and

WHEREAS, representatives from both the development community and environmental organizations, as well as technical expertise, are required for a balanced Fiscal Impact Model; and

WHEREAS, the Board of Supervisors desires to establish a Fiscal Impact Modeling Advisory Committee, adopt the Committee charge, and appoint the Committee membership; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 3rd day of December 1996, That the Fiscal Impact Modeling Advisory Committee be, and is hereby, established; and, be it

RESOLVED FURTHER, That the charge for the Committee, which is attached to and incorporated herein as a part of this resolution, be, and is hereby adopted; and, be it

RESOLVED FINALLY, That the members of the Fauquier County Fiscal Impact Modeling Advisory Committee be, and are hereby, appointed as follows:

Larry Weeks - Board representative and Committee Chair
Walter Munster - Planning Commission representative
Al Goldsmith - Director of Community Development
John Tuohy - Finance Director
A member of the development community to be chosen from the Fauquier Chapter of the Northern Virginia Building Industry Association
Barbara Severin - Representing preservation organizations in Fauquier County
Ken Haught - Citizen computer modeling technical expert.

A RESOLUTION TO APPROVE AN ALTERNATIVE WESTERN CORRIDOR ROUTE OUTSIDE THE BOUNDARY OF FAUQUIER COUNTY

Mr. Mangum moved to adopt a resolution to approve an alternative Western Corridor route outside the boundary of Fauquier County which would divide Quantico Marine Base. Mr. Weeks seconded.

After discussion, Mr. Weeks moved to table the decision until the January 7, 1997 meeting so that the Commandant of Quantico could comment and to decide in fact whether or not the Western Corridor is needed at all. The motion died due to lack of a second.

Mr. Mangum called for the vote on the original motion to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was 4 to 1 as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton;
Mr. James R. Green, Jr.

Nays: Mr. Larry L. Weeks

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION ENDORSING THE BASIC CONCEPT OF A NEW
ALTERNATIVE FOR THE WESTERN TRANSPORTATION CORRIDOR MAJOR
INVESTMENT STUDY AND REQUESTING FURTHER STUDY OF THIS
ALTERNATIVE

WHEREAS, the Virginia Department of Transportation (VDOT) has been conducting a major investment study (MIS) to model alternatives for construction of a western transportation corridor; and

WHEREAS, the Western Transportation Corridor is being studied to consider effects of improving regional transportation access between Interstate 95 in Stafford County and Dulles International Airport; and

WHEREAS, the MIS process examines impacts to communities and active agriculture; and

WHEREAS, the Board has become aware of a new potential alternative for the Western Transportation Corridor; and

WHEREAS, the Board feels that this new alternative would minimize negative impacts to community ties, active agriculture and reduce right-of-way acquisition costs while improving transportation access in the region; and

WHEREAS, the Board strongly feels that this new alternative deserves consideration to be studied as part of the MIS process for the Western Transportation Corridor; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 3rd day of December 1996, That endorsement of the concept of the alternative from I-95 through the Marine Corps Combat Development Command, Quantico (MCCDC) intersecting with Segment Three and leading to Alternative Five and Seven; and, be it

RESOLVED FURTHER, That the Virginia Transportation Department (VDOT) be requested to study and model this alternative as part of the MIS process; and, be it

RESOLVED FINALLY, That the Washington Western Corridor alternative be designed for limited access with a parkway character and that a crossing on the Potomac be highly encouraged.

A RESOLUTION RATIFYING THE CHAIRMAN'S SIGNATURE ON THE NOTICE OF APPEAL OF THE DECISION OF THE TOWN OF WARRENTON ARCHITECTURAL REVIEW BOARD DENYING THE COUNTY OF FAUQUIER A CERTIFICATE OF APPROPRIATENESS FOR THE PROPOSED DETENTION CENTER

Mr. Brumfield moved to adopt the following resolution. Mr. Burton seconded, and the vote for the motion was 3 to 2 as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton
Nays: Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION RATIFYING THE CHAIRMAN'S SIGNATURE ON THE NOTICE OF APPEAL OF THE DECISION OF THE TOWN OF WARRENTON'S ARCHITECTURAL REVIEW BOARD DENYING THE COUNTY OF FAUQUIER A CERTIFICATE OF APPROPRIATENESS FOR THE PROPOSED DETENTION CENTER

WHEREAS, on November 25, 1996 the Town of Warrenton's Architectural Review Board adopted a motion denying the County of Fauquier a Certificate of Appropriateness for the proposed detention center to be constructed on property owned by the County located on Keith and Lee Streets in the Town of Warrenton; and

WHEREAS, Section 22-5.7 of the Zoning Ordinance for the Town of Warrenton authorizes any applicant aggrieved by a decision of the Town's Architectural Review Board to appeal that decision to the Town Council within thirty days of the decision; and

WHEREAS, on November 27th the County of Fauquier submitted a Notice of Intent to Appeal the decision of the Town of Warrenton Architectural Review Board to deny a Certificate of Appropriateness for the proposed detention center to be constructed on property owned by the County located on Keith and Lee Streets in the Town of Warrenton; and

WHEREAS, the aforesaid Notice of Intent to Appeal was signed by David Mangum as Chairman of the Board of Supervisors of Fauquier County; now, therefore, be it

RESOLVED this 3rd day of December, 1996 by the Board of Supervisors of Fauquier County That the submission of the Notice of Intent to Appeal the Decision of the Town of Warrenton's Architectural Review Board denying the County of Fauquier a Certificate of Appropriateness for the proposed detention center be, and is hereby, approved and ratified; and, be it

RESOLVED FURTHER, that the signature of David C. Mangum on the aforesaid Notice of Intent to Appeal be and is hereby ratified; and, be it

RESOLVED FINALLY, that Randy Wheeler, Assistant County Administrator be, and is hereby, authorized to take all action necessary to

process the appeal to the Town Council on behalf of the County of Fauquier.

A RESOLUTION ENDORSING A PROPOSAL FOR PROVIDING
WASTEWATER TREATMENT TO THE NEW BALTIMORE, CATLETT,
CALVERTON AND MIDLAND SERVICE DISTRICTS

Mr. Weeks moved to postpone the decision on a resolution endorsing a proposal for providing wastewater treatment to the New Baltimore, Catlett, Calverton and Midland Service District until the Water and Sanitation Authority has had an opportunity to review the proposal and determine the feasibility of the project. Mr. Green seconded, and the vote for the motion was 2 to 3 as follows:

Ayes: Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton
Absent During Vote: None
Abstention: None

Mr. Burton then moved to adopt the following resolution. Mr. Brumfield seconded, and the vote for the motion was 3 to 2 as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton
Nays: Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION ENDORSING A PROPOSAL FOR PROVIDING
WASTEWATER TREATMENT TO THE NEW BALTIMORE,
CATLETT, CALVERTON AND MIDLAND SERVICE DISTRICTS

WHEREAS, on December 7, 1993, the Board of Supervisors unanimously adopted a Resolution which declared the provision of public water and sewer services to the New Baltimore, Catlett, Calverton and Midland Service Districts to be one of the Board's highest priority goals; and

WHEREAS, subsequent Board actions have reaffirmed this policy including listing it among the Board's annually adopted goals and objectives for Fauquier County; and

WHEREAS, the Staff of the Fauquier County Water and Sanitation Authority, in response to a written communication dated September 27, 1996, from the Vint Hill Farms Economic Development Authority, has formulated a proposal to provide wastewater treatment facilities for the New Baltimore, Catlett, Calverton and Midland Service Districts, such proposal being contained in a memorandum dated November 26, 1996; and

WHEREAS, the Board of Supervisors has received the sense of the members of the Vint Hill Farms Economic Development Authority, by purported Resolution dated November 26, 1996, said Resolution being subject to ratification by the Authority through a majority vote of the Authority at a properly constituted meeting, which sense is that the members endorse the proposed concept of a regional solution for serving the public wastewater treatment needs of Vint Hill Farms, the New Baltimore Service District and the Route 28 communities, and are willing to enter into negotiations with the said Fauquier County Water and Sanitation Authority, including discussions with Fauquier

County and other concerned parties, to refine the details of how to make the proposed regional wastewater treatment system a reality in the near future; and

WHEREAS, the Fauquier County Water and Sanitation Authority, on November 26, 1996, approved in concept its Staff's proposal contained in memorandum dated November 26, 1996, for the provision of regional wastewater treatment facilities to serve Vint Hill Farms and the New Baltimore Service District, and the Route 28 communities of Catlett, Calverton and Midland, and has directed its Staff to proceed with the initial implementation of that proposal reporting its progress to the WSA Board as the proposal is refined; and

WHEREAS, the Board of Supervisors has received and reviewed the proposal of the Fauquier County Water and Sanitation Authority and the purported consensus thereof by the Vint Hill Farms Economic Development Authority.

NOW, THEREFORE, BE IT RESOLVED that the Fauquier County Board of Supervisors does hereby express its judgment that the said proposal appears to be workable and to provide the most feasible means of fulfilling the Board's goal of providing wastewater treatment to those Service Districts named in the Board's Resolution of December 7, 1993, they being New Baltimore, Catlett, Calverton and Midland.

BE IT FURTHER RESOLVED that the Board expresses its general concurrence in the aforesaid proposal of the Fauquier County Water and Sanitation Authority contained in its Memorandum dated November 26, 1996, and directs the County Administrator and his Staff to assist WSA and Vint Hill Farms EDA in developing the specific details and requirements of said proposal.

BE IT FINALLY RESOLVED, that the Board agrees to fund and does hereby appropriate the sum of \$55,000 for the purpose of conducting the Preliminary Engineering Report for the proposed project; and the County Administrator is directed to forward a copy of this Resolution to the Fauquier County Water and Sanitation Authority and the Vint Hill Farms Economic Development Authority.

FY 1997 SUPPLEMENTAL APPROPRIATIONS

Mr. Weeks moved to adopt the following resolution. Mr. Mangum seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton;
Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION(FY97)

A RESOLUTION TO APPROPRIATE FUNDS

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, this annual budget is a plan of how funds received by the

County will be used to meet the needs of the citizens of the County; and

WHEREAS, during the course of the fiscal year, certain events occur which necessitate changing the budget plan by increasing a department's total budget; and

WHEREAS, funds needed to increase a department's budget must come from an outside source such as State, Federal, grant or other local sources such as the County's Reserve for Contingency; and

WHEREAS, proper justification for funding adjustments to the Sheriff's Department, Clerk of the Circuit Court, and Library has been presented to the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 3rd day of December 1996, That the sum of \$893,643 be appropriated and is hereby approved.

A RESOLUTION TO AUTHORIZE THE SCHOOL BOARD TO EXPEND FY 1996
YEAR-END SCHOOL DIVISION CARRYOVER FUNDS

Mr. Weeks moved to table the decision on a resolution to authorize the School Board to expend FY 1996 year-end school division carryover funds until the Finance Committee reviews and forwards to the Board of Supervisors for consideration. Mr. Mangum seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton;
Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

EXECUTIVE SESSION

Mr. Burton moved to go into executive session pursuant to Virginia Code Section 2.1-344(A)(1) for discussion of personnel matters and Section 2.1-344(A)(7) for consultation with legal counsel regarding litigation. Mr. Mangum seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton;
Mr. James R. Green, Jr.; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

Upon reconvening from executive session, Mr. Burton moved to adopt the following certification. Mr. Mangum seconded.

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by this Board of Supervisors that such executive meeting was

conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 3rd day of December 1996, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

VOTE:

Ayes: Mr. David C. Mangum; Mr. James G. Brumfield; Mr. Wilbur W. Burton;
Mr. James R. Green, Jr.; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Absent During Meeting: None

With no further business, the meeting was adjourned.

24

23